

## REMARKS

### I. Introduction

Claims 1-9, 11, 12, 15-25, 27, 28, and 31-94 are pending in the above-identified patent application.

Claims 1-9, 11, 12, 15, 17-25, 27, 28, 31, 33-44, 46-57, and 60-94 are rejected under 35 U.S.C. § 102(b) as being anticipated by PCT Publication No. WO 97/28636 (hereinafter "Dahl").

Claims 16, 32, 45, and 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dahl.

The Examiner's rejections are respectfully traversed.

### II. Applicants' Reply

#### A. The Examiner Has Mischaracterized Applicants' April 28, 2005 Reply

Applicants submit that the Examiner has mischaracterized applicants' April 28, 2005 Reply in the "Response to Arguments" section of the present Office Action. The Examiner states that "the feature upon which applicant relies (i.e., television set-top box as a television wagering terminal)" is not recited in the rejected claims. The Examiner then reminds applicants that although claims are interpreted in light of the specification, limitations from the specification are not read into the claims. (See Office Action, page 6). Applicants respectfully disagree with the Examiner's characterization of applicants' previous reply. Applicants have never argued that applicants' claimed television wagering terminals are limited to television set-top boxes. Rather, applicants' television wagering terminals may include any

television terminal capable of wagering, including a television set-top box.

B. The Rejection of Independent Claims 1, 17, 33, and 46

Applicants' independent claims 1, 17, 33, and 46 are directed towards systems and a method for interactive wagering and computer-readable medium for providing information in an interactive wagering system. Wagering accounts are stored in a database. A plurality of types of user interface systems are configured to (a) receive data relating to a single wagering account stored in the database and provide that data to the user and (b) receive wager information from a user. One of the plurality of types of user interface systems is a television wagering control system. At least another of the plurality of types of user interface systems is either an interactive voice response control system or a computer wagering control system.

Dahl is directed to a method and a system for performing a service (e.g., gambling) via an interactive telecommunication network. A player initiates contact with a central gambling station using a telephone. In one embodiment, the player also uses the telephone to receive audible information from the central gambling station. (See Dahl, page 3, lines 5-8 and lines 29-35; page 5, lines 20-22). In another embodiment, in response to a request via the telephone, teletext pages are received from television stations using a television set. (Dahl, page 5, lines 17-29). In all embodiments of Dahl's system, however, a telephone is a "minimum requirement" needed to send information upstream to the central gambling station. (See Dahl, page 3, lines 29-31 and page 4, lines 38-41).

The Examiner contends that "the television wagering terminal, as taught by Dahl, outputs wagering information . . . to the [central] gambling station." (Office Action, page 6).

Applicants respectfully disagree. As described above, communication to the central gambling station (i.e., gambling central 6 in Dahl) is always performed via a telephone set, not a television wagering terminal. (See Dahl, page 5, lines 5-16 and lines 30-36). The television equipment can only be used to receive and display teletext pages after requesting the pages using a telephone. Id.

For example, a player in Dahl's system initiates communication with the central gambling station by placing a telephone call to the central gambling station. After the player's bank account and PIN information is inputted and successfully verified over the telephone, the central gambling station directs a television station to send a unique teletext page to the user's television set. (See Dahl, page 9, lines 7-12). The player sends all subsequent information upstream to the central gambling station using the telephone. (See Dahl, page 5, lines 5-29). Thus, all communication to the central gambling station occurs via the telephone. Id.

Accordingly, applicants submit that Dahl's television wagering terminal does not output wagering information to the central gambling station as the Examiner contends. Therefore, Dahl fails to show or suggest "a television wagering control system . . . that receives the wager information from a television wagering terminal," as required by applicants' claimed invention.

The Examiner also contends that applicants' claimed television wagering terminals are the same as Dahl's "combination of the teletext television and the telephone." (Office Action, page 6). Applicants respectfully disagree. While it is true that applicants' television wagering terminals may use a telephone communication link (i.e., telephone backhaul) to communicate with the wagering data hub, this

telephone link is simply a communications path that may be used by applicants' television wagering terminal. In stark contrast, Dahl's telephone and television set are two separate devices.

(See Dahl, FIG. 2 and page 9, lines 7-17). As can be seen from Dahl's FIG. 2, television set 32 and telephone 33 are clearly distinct, each with its own communication path. Television set 32 cannot receive or transmit any information using telephone 33. Accordingly, Dahl's television set 32 itself, and even when viewed in combination with telephone 33, fails to show or suggest a television wagering control system that receives wager information from a television wagering terminal, as specified by applicants' claimed invention.

The Examiner also points to page 10, lines 27-31 of Dahl in support of his contention that television set 32 can transmit information to the central gambling station. (See Office Action, page 6). This section of Dahl states that "all the shown interconnections between different function blocks are implemented as two-way data connections." (Dahl, page 10, lines 27-35). This general statement, however, fails to show or suggest using television set 32 to transmit wager information to the central gambling station. As described above, Dahl requires a telephone to send information upstream to the central gambling station. (See Dahl, page 3, lines 29-31 and page 4, lines 38-41). Nowhere does Dahl show or suggest using television set 32 to transmit wager information to the central gambling station. Accordingly, applicants' submit that Dahl fails to show or suggest "a television wagering control system . . . that receives the wager information from a television wagering terminal," as recited by applicants' claimed invention.

For at least the forgoing reasons, applicants submit that independent claims 1, 17, 33, and 46 are not anticipated by

Dahl. Therefore, the rejection of claims 1, 17, 33, and 46 under 35 U.S.C. § 102(b) should be withdrawn.

C. The Rejections of Dependent Claims 2-9, 11, 12, 15, 16, 18-25, 27, 28, 31, 32, 34-45, and 47-94

The Examiner rejects dependent claims 2-9, 11, 12, 15, 18-25, 27, 28, 31, 34-44, 47-57, and 59-94 under 35 U.S.C. § 102(b) as being anticipated by Dahl. Dependent claims 16, 32, 45, and 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dahl. The Examiner's rejections are respectfully traversed.

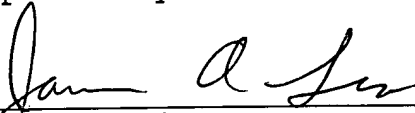
Applicants submit that dependent claims 2-9, 11, 12, 15, 16, 18-25, 27, 28, 31, 32, 34-45, and 47-94 are allowable over Dahl for at least the same reasons that independent claims 1, 17, 33, and 46 are allowable over Dahl. Accordingly, the rejections of dependent claims 2-9, 11, 12, 15, 16, 18-25, 27, 28, 31, 32, 34-45, and 47-94 should also be withdrawn.

III. Conclusion

In view of the foregoing, claims 1-9, 11, 12, 15-25, 27, 28, and 31-94 are in condition for allowance.

Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "James A. Leiz", is written over a horizontal line.

James A. Leiz  
Reg. No. 46,109  
Attorney for Applicants  
FISH & NEAVE IP GROUP  
ROPES & GRAY LLP  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1105  
Tel.: (212) 596-9000  
Fax: (212) 596-9090